

STATE BOARD REPORT

PUBLISHED BY THE MISSOURI BOARD OF EMBALMERS AND FUNERAL DIRECTORS

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CHAIR'S REPORT

By: Jerry Griffin - Chairman of the State Board



Jerry Griffin

On behalf of the board, I would like to take this opportunity to welcome our newly appointed member, Jim Reinhard of Paris, Missouri. The Board looks forward to working with Jim as our new Board member.

The Board's rule revision process has been completed and the new rules became effective July 30, 2004. Thanks to all for your input and patience during this lengthy process. If you have not yet received your new rule book, please notify the board office and we will have one sent to you.

I am proud of the fact that our inspection violations have continued to decline this fiscal year. In Fiscal Year 2002 the board cited 145 violations, Fiscal Year 2003 there were 136 violations and Fiscal Year 2004 there were 125 violations. The top three violations for FY 2004 consisted of posting of licenses, Section 333.091 RSMo., purchase agreement discrepancies, Section

333.101 RSMo., 4 CSR 120-2.070 (9) (22), also Section 333.145 RSMo and 4 CSR 120-2080, and embalming/preparation room and embalming log concerns, Section 333.061 and 4 CSR 120-2.090. Most of the violations written by the inspectors are corrected by a letter from the Board with no further action necessary on the part of the Board. The licensees within the profession are extremely cooperative in resolving the violations cited.

If you have questions or concerns relating to compliance with the board's statutes, rules and regulations, please do not hesitate to contact the board office. We will be pleased to assist you.

Jerry Griffin
Chairman

NEW BOARD MEMBER

Governor Bob Holden appointed James Reinhard of Paris, to the State Board of Embalmers and Funeral Directors, on April 30, 2004 for a term ending on April 2007. Reinhard is currently the owner of Reinhard Funeral Home Inc. dba Agnew Speed and Blakey Funeral Home and a farm owner and operator. He is a graduate of the Kentucky School of Mortuary Science. Reinhard is a member of the Missouri Coroner's Association, the Paris Chamber of Commerce and a member of the Paris Masonic Lodge. He is a member of the Paris National Bank Board and a former member of the Advisory Board for St. Elizabeth's Hospital in Hannibal.



James Reinhard

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MESSAGE FROM EXECUTIVE DIRECTOR



Becky Dunn

With the recent rule revisions, brought many hours of review and changes to our existing applications, letters and rule books for the Board. Please do not hesitate to contact the Board office if you have questions or suggestions relating to correspondence that you receive from us, as well as application forms.

The changes in the rules will impact the method in which examination fees are submitted to the International Conference of Funeral Service Examination Boards (Conference) and the administration fees submitted to the Board. When the apprenticeship has officially ended, please contact the Board office for the application form relating to this process. Please keep in mind that examination fees are nonrefundable and nontransferable. If you schedule and pay for an examination, you must appear upon that date. Examinations are preordered and paid in advance. If you do not appear on your scheduled examination date, your examination fee will be forfeited. The Board's examinations are paid and scheduled through the Conference.

As of January 1, 2005, the examination fees will be paid directly to the Conference and will be as follows:

Missouri Funeral Service Arts \$100, Missouri Law \$75. When payment is made to the Conference, payment must be made ten (10) working days in advance of the examination for processing. The Conference accepts credit cards, cashier's checks, or money orders, but no checks. It is very important that you contact the Board office prior to your examination date to ensure that all information and applicable payments have been received.

Since our last newsletter, we now have a new website, <http://pr.mo.gov/embalmers.asp>.

All board forms can be accessed on our website, as well as, the Board's statutes, rules, and regulations.

BOARD EXAMINATIONS

The board examinations are normally scheduled to be administered on the third Wednesday of each month at the board office. Oral embalmer examinations are normally administered on the third Wednesday, or may also be administered at each board meeting upon prior request. Examination dates may change due to scheduling of candidates or due to room availability. Examination confirmation letters are sent out to all candidates. All applications and notifications for examinations must be filed with the board at least forty-five (45) days before the next regularly scheduled examination and must be accompanied by the applicable fees. 4 CSR 120-2.010 (15) and 4 CSR 120-2.060 (11). The scheduling and confirmation of examinations should always be confirmed with the Board office.

Governor

The Honorable Bob Holden

Department of Economic Development

Kelvin Simmons, Director

Division of Professional Registration

Marilyn Taylor Williams, Director

Members of the State Board

Jerry Griffin, Chairman

William "Bill" Stuart, Vice Chairman

Ken McGhee, Secretary

Marcia Shadel, Member

James Reinhard, Member

Joy Gerstein, Public Member

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The State Board Report is an official publication of the Division of Professional Registration. Submit articles to: State Board Report, P.O. Box 423, Jefferson City, MO 65102.

JERRY GRIFFIN RECEIVES NATIONAL RECOGNITION IN THE INDUSTRY

At the 2004 annual meeting of the International Conference of Funeral Service Examining Boards, Jerry was appointed to the Board of Directors for 2004-2005, as well as the District 5 Governor. Jerry is also currently serving on the Conference Examination Committee. The conference is an organization of Funeral Service Licensing and Regulatory Boards and Colleges of Mortuary Arts and Sciences. The International Conference of Funeral Service Examining Boards (ICFSEB) is a resource for examination and information for funeral service regulatory agencies, to support education and to foster communication within the profession. The ICFSEB provides consulting services, seminars, and presentations for its constituent state regulatory boards, at the request of the board, as well as seminars for mortuary colleges. These presentations include use of examinations in licensure, evaluation of current practices, orientations for new board members about the conference, services offered, item writing workshops, etc.

PRENEED

The Board's requirement for annual reporting of pre-need providers and sellers was completed as of October 31, 2004.

During the 2003-2004 reporting period, as of November 19, 2004, registered preneed sellers in Missouri reported a total of 22,546 contracts sold with a total face value of \$90,043,700.60.



MESSAGE FROM DIVISION DIRECTOR



*Marilyn Taylor
Williams*

House Bill 600 (2003) and House Bill 978 (2004) were enacted to increase the tax revenue collected by the State of Missouri. There are several "income tax accountability" provisions requiring the Department of Revenue to take steps to collect income taxes owed by state employees and licensed professionals. As most of you know, one provision was specifically aimed at professionals licensed by the Division of Professional Registration. The language is as follows:

"324.010. All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to sections 209.319 to 209.339, RSMo, sections 214.270 to 214.516, RSMo, sections 256.010 to 256.453, RSMo, section 375.014, RSMo, sections 436.005 to 436.071, RSMo, and chapter 317, RSMo, and chapters 324 to 346, RSMo, shall provide the director of revenue with the name and Social Security number of each applicant for licensure with or licensee of such entities within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be suspended within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section."

This statute requires the Department of Revenue to notify licensees, at the time of application or renewal, that they must file delinquent income tax returns or pay any delinquent taxes owed to the state. Since May of 2003, the Division of Professional Registration has been working with Revenue and the Attorney General's Office to establish procedures and define each agency's responsibilities under this new law.

As of July 2003, the effective date of the new law, the Division has been transmitting licensee data for each renewal cycle. Because of the amount of time that the Department of Revenue has needed for technical implementation of the law, their first notices did not go out to licensees until January of this year.

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MESSAGE FROM DIVISION DIRECTOR (CONTINUED)

Continued from Page 3

During the month of January, there were 12,000 licensees who received notices either to file delinquent returns or pay delinquent taxes. Licensees were given 90 days to resolve the issue or have their license disciplined as a matter of law. On July 21, 2004, the division disciplined over 800 licenses.

The law, as written, gives no discretion to either the Department of Revenue or the Division of Professional Registration. Revenue must send notices to every licensee who has no record of filing a return or paying taxes in the three years prior to renewing or applying for licensure. The Division must suspend the license of any licensee that fails to either respond that he or she does not live or work in Missouri, or resolve his or her tax delinquency. There are no appeal rights built into the law, and no right to cure the default after the 90-day period. If a licensee pays his or her taxes or files his or her return even one day after the 90-day period, the license may still be disciplined.

I cannot stress enough to our licensees the importance of responding promptly to any notification received from the Department of Revenue, even if the licensee has not lived or worked in Missouri in the last three years. Failure to respond could result in disciplinary action against your license. For some health-care professionals, this means reporting the disciplinary action to the federal health care databases - which may affect his/her ability to practice anywhere in the United States.

Yours truly,



Marilyn Taylor Williams
Division Director

ELECTION OF OFFICERS FOR 2004-2005

At the Missouri Board of Embalmers and Funeral Director's March board meeting, the Board held their annual election of officers. Mr. Jerry Griffin was elected Chairman, Mr. William (Bill) Stuart was elected Vice-Chairman, and Mr. Kenneth McGhee was elected Secretary.

COMPLAINT HANDLING AND DISPOSITION PROCEDURES

The Board would like to ensure that its licensees are aware of the procedures for the handling and disposition of complaints filed with the Board. All complaints received by the Board are assigned a complaint number. A complaint may be based upon personal knowledge or beliefs based on information received from other sources. The complaints must be made in writing on an official complaint form. Verbal or telephone communications are not acceptable, but you may request a complaint form by telephone, fill it out and mail it back to the Board. You may also obtain a complaint form by visiting our website at <http://pr.mo.gov/embalmers.asp>. The complaint is considered to be a closed record and is not accessible to the public. Any complaint that is received by the Board is acknowledged in writing to both the licensee and the complainant. The complainant will be notified of the final outcome. Any disciplinary action taken by the Board as a result of a complaint is a matter of public record.

Please make certain that if you are filing a complaint with the Board to include the submission of any pertinent information that will assist the board with the review process such as a written statement of charges, as well as an officially signed complaint form. If you are asked to respond to a complaint, the Board appreciates a prompt response addressing the alleged violations.

FAREWELL



The Board recognized Donn James for his service and dedication to the Board in August of 2004. Donn had served as a member of the Board since 1994. Donn was originally appointed by Governor Carnahan on April 4, 1994 and reappointed by Governor Carnahan on April 2, 1999.

OVERVIEW OF THE RULE CHANGES

To help you with the new changes in the rules and regulations, the Board has provided a brief overview of the revisions. The Board recommends that you read the revised rules carefully, as there are numerous clarifications and changes.

Please visit the Board's website at <http://pr.mo.gov/embalmers.asp>.

4 CSR 120-1.040- Definitions (numerous definitions have been added to the rule)

4 CSR 120-2.010- Embalmer's Registration and Apprenticeship

- Must display practicum registration in a Missouri Licensed funeral establishment.
- Period of apprenticeship must be at least twelve (12) consecutive months.
- Missouri State Board embalmers' examination consists of the National Board Funeral Service Arts section, the National Board Funeral Service Science section, and the Missouri Law.
- Must achieve a score of 75% on each section of the exam.
- An apprentice must notify the board within ten (10) business days after a change in location is made.
- **Prior to completion of the apprenticeship, the apprentice embalmer must achieve a grade of seventy-five (75%) or greater on the Missouri Law exam.**
- If the applicant does not meet the requirements of the board for licensure within five (5) years of date of graduation the applicant must make new application with the board. The applicant will be required to appear for the oral exam within five (5) years of the new application.
- Notification to take an exam must be in writing to the board at least forty-five (45) days prior to the next regularly scheduled exam and must be accompanied by applicable fees.
- You must submit payment to the conference at least ten (10) business days prior to the exam date.
- **The Application Fee, the Examination Administration Fee and Highway Patrol Background Check Fee shall be paid to the State Board. The examination fee(s) shall be paid to the International Conference.**
- Apprenticeship paperwork shall be displayed in a conspicuous location accessible to the public.
- A Missouri licensed embalmer has the ongoing obligation to keep the board informed if the licensee has been finally adjudicated or found guilty, or entered a plea of guilty or nolo contendere, in a

criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under Chapter 333, RSMo, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence was imposed. This information must be provided to the board within thirty (30) days of being finally adjudicated or found guilty.

4 CSR 120-2.040 Licensure by Reciprocity

- Must achieve a grade of 75% or better on the reciprocity exam within twenty-four (24) months after the board's receipt of the application.
- Any applicant who has successfully completed the Missouri Law exam within the last 12 months before the date the board receives the applicant's application for licensure shall be exempt from taking the exam.
- **The Application Fee, the Examination Administration Fee and Highway Patrol Background Check Fee shall be paid to the State Board. The examination fee(s) shall be paid to the International Conference.**
- Notification to take an exam must be in writing to the board at least forty-five (45) days prior to the next regularly scheduled exam and must be accompanied by applicable fees.
- You must submit payment to the conference at least ten (10) business days prior to the exam date.

4 CSR 120-2.060 Funeral Directing

- Must serve at least a twelve (12) consecutive month apprenticeship.
- **The Application Fee, the Examination Administration Fee and Highway Patrol Background Check Fee shall be paid to the State Board. The examination fee(s) shall be paid to the International Conference.**
- Once the apprentice completes at least a twelve-(12) consecutive month apprenticeship and turns his/her affidavits into the board his/her apprenticeship becomes null & void.
- Apprenticeship paperwork shall be displayed in a conspicuous location accessible to the public.
- Must achieve a score of 75% on each section of the exam.
- Notification to take an exam must be in writing to the board at least forty-five (45) days prior to the

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OVERVIEW OF THE RULE CHANGES (CONTINUED)

Continued from Page 5

next regularly scheduled exam and must be accompanied by applicable fees.

- You must submit payment to the conference at least ten (10) business days prior to the next exam date.
- Any applicant who has successfully completed the Missouri Law exam within the last twelve (12) months before the date the board receives the applicant's application for licensure shall be exempt from taking the exam.
- A Missouri licensed funeral director must be present and supervise any disinterment, interment, entombment, or cremation.
- A Missouri licensed funeral director has the ongoing obligation to keep the board informed if the licensee has been finally adjudicated or found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under Chapter 333, RSMo, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence was imposed. This information must be provided to the board within thirty (30) days of being finally adjudicated or found guilty.

4 CSR 120-2.070 Funeral Establishments

- Clarification of functions- A, B, C, D.
- Each establishment may only have one (1) doing business as (d.b.a.) name.
- Each Function C establishment shall have on-site equipment necessary for arranging funeral services.
- Each establishment shall have its own entrance and street address.
- The next of kin shall be defined in section 194.119.2 RSMo.
- If an unembalmed body is refrigerated the cooler temperature must be forty degrees Fahrenheit (40 F) or cooler.
- Each Function C establishment shall maintain the following on the premises for a minimum of one year: a GPL, preneed contracts which have been fulfilled or cancelled, purchase agreements and authorizations to embalm or cremate.
- Each Function A establishment must maintain on

the premises in the preparation room an embalming log.

- Each Function B establishment must maintain on the premises in the cremation area a cremation log.
- The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

4 CSR 120-2.071 Funeral Establishments Containing a Crematory Area

- Must maintain a cremation log in the cremation area which shall include the following: name of the deceased to be cremated, name of the Missouri licensed establishment where the body is cremated, date and time body arrived at the crematory, date and time the cremation took place, name and signature of the Missouri licensed funeral director supervising the cremation and the supervising Missouri licensed funeral directors license number.
- All records must be maintained on the premises for a minimum of the current calendar year and previous calendar year.
- All bodies delivered to the crematory shall be in a plastic pouch, cardboard cremation container; casket made of wood or wood product or metal. If a metal container or casket is used the purchaser must be informed of the disposition of the metal container or casket after cremation.
- The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

4 CSR 120-2.080 Written Statement of Charges

- The written statement of charges, at minimum shall contain the following: signature of the Missouri licensed funeral director in charge of making the arrangements or providing the funeral merchandise, name and address of the Missouri

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OVERVIEW OF THE RULE CHANGES (CONTINUED)

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licensed establishment in charge of providing the merchandise or funeral services, name and address and signature of the person making the at need arrangements, date of the signatures, name of the deceased, date of death, price of the service(s) selected, price of the supplemental items, price of the merchandise selected, including a detailed description of the casket and outer burial container, amount and description of all cash advance items and method of payment.

4 CSR 120-2.090 Preparation Room/Embalming Room

- Must comply with Missouri Department of Health

rules and regulations, Missouri Department of Natural Resources rules and regulations, and all other applicable county, city, municipal and state regulations relating to plumbing, sewage and liquid waste, and solid waste disposal of body parts.

- Eye wash kit or suitable facilities for quick drenching or flushing of the eyes shall be provided within the area for immediate emergency use.
- A separate wash sink must be present or close proximity to the preparation room no further than ten feet (10') from the door of the preparation room.
- Preparation rooms shall be secured with a **functional** lock so as to prevent entrance by unauthorized persons.

REVIEW AND REGISTRATION OF DEATH CERTIFICATES BY FUNERAL DIRECTORS

Concerns by the Missouri Department of Health and Senior Services, Bureau of Vital Records, that some death certificates prepared and registered, do not meet required standards.

A death certificate is the permanent legal record of the fact of death of an individual. As a permanent legal record, the certificate is extremely important to the decedent's family. It is also used for a variety of medical and health-related research efforts.

The certificate provides important information about the decedent, such as age, sex, race, date of death, his or her parents, etc. This information is used in the application for, but is not limited to, insurance benefits, settlement of pension claims and transfer of title of real and personal property. It can be introduced in court as evidence when a question about death arises.

It is the responsibility of the funeral director to verify the personal history information with the family. Additionally, the funeral director should obtain and enter any personal information that has not been completed. Funeral directors are also responsible for obtaining medical certification, signature of responsible certifier and filing the certificate within the statutory time limit.

Prior to registering a certificate, it should be reviewed to determine if the legal requirements and/or standards for

acceptability for registration have been met. Certificates must always be original, on a current approved form and neatly prepared. When a certificate is not consistent with the required standards, a new certificate must be prepared.

Although it is generally recognized that not all certificates will be 100% complete and/or accurate when presented for registration, certificates which contain blanks or are inconsistent, incomplete, have improper alterations and/or illegible entries may create problems for the families and users of the records by causing doubts about the authenticity of the information. Therefore, it is very important that care is taken to ensure proper procedures and techniques are used in preparing and completing original certificates.

Because the information derived from death certificates can be no more accurate than the data on the certificate, it is very important that all persons concerned with the registration of deaths strive not only for complete registration, but also for accuracy and promptness in reporting these events.

Below are recommended standards for reviewing a certificate prior to registration:

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Review of the Certificate of Death

- ✓ Did the event occur within the registration district where filed?
- ✓ Is the certificate on the proper form?
- ✓ Are all items complete or accompanied by a satisfactory explanation for omission?
- ✓ Are the names spelled consistently throughout?
- ✓ Are the months abbreviated or spelled out?
- ✓ Does the age agree with the date of birth and is it consistent with the date of death?
- ✓ If the decedent was married, is the name of the surviving spouse (maiden surname of the wife) entered?
- ✓ Are the county and city of residence in agreement?
- ✓ Is the Social Security Number entered?
- ✓ Is the certifier's signature on the proper line in black ink?
- ✓ Is the "date of death" prior to or same as, in the "date signed"?
- ✓ Does the "hour of death" state a.m., p.m., Noon, or Midnight or based on a 24-hour clock? Whenever possible, military time should not be

used. (Certificates will not be rejected, but responsible persons will be advised to use conventional time.)

- ✓ If the death resulted from external causes (trauma, are the items related to the circumstances (items #23 - 30 on the certificate properly completed)?
- ✓ Is the certificate neatly and legibly completed with no erasures, typeovers, writeovers, cross-outs, whiteout, etc.?
- ✓ Are the typed and/or written entries dark enough to be clearly duplicated?

Please contact this office for instructions regarding situations not covered.

Missouri Department of Health and Senior Services
Bureau of Vital Records
P.O. Box 570
Jefferson City, Missouri 65102
(573) 522-1716 or (573) 751-6381
Fax: (573) 526-3846
www.dhss.mo.gov

Submitted to the Missouri State Board of Embalmers and Funeral Directors
By Ivra Cross, Department of Health (10-2004)

ST. LOUIS COMMUNITY COLLEGE AT FOREST PARK

DEPARTMENT OF FUNERAL SERVICE EDUCATION

DEPARTMENT UPDATE (For the 2004-2005 Academic Year)

The Fall Semester 2004 is off to a great start in the Department of Funeral Service Education at St. Louis Community College at Forest Park! Enrollment continues to grow with a total of 79 students in the two programs. For the Associate in Applied Science degree in Funeral Service Education, there are 27 new students in the first year class and 15 returning students. Likewise, the Certificate of Proficiency in Funeral Directing has 37 students, with 28 taking advantage of the courses that are available via the Internet (and many of these being from the State of Texas!).

The Funeral Service Education classroom is undergoing a number of impressive modifications and improvements. First of all, the "multi-colored" desks that have filled the classroom for many years are being replaced with two rows of 84" tables that will accommodate two students at each table. Some of these tables will also provide added height for compliance with the Americans With Disabilities Act (to provide access for any individual with a disability/disabilities). Coupled with the new chairs that

were purchased last year, the appearance of the classroom will change dramatically (as well as the addition of the "high tech" instructor's podium – more about this in a moment!). Over \$11,000 was provided by the College for this Capital Project.

However, that's not all for the classroom! The "traditional chalk and chalkboard" are in the process of being replaced with over \$17,000 of "state-of-the-art" multimedia equipment. Another Capital Project approved by the College, it will include a new projection screen in the front of the classroom (8 feet wide with electric controls to raise and lower), ceiling-mounted data projector, high resolution document camera, VCR/DVD player, stereo speakers, two "tablet PC's" for the instructors, digital camcorder and tripod, and an integrated master panel at the instructor's podium (to control the lights in the classroom and all of the multimedia components). A "wireless network" will

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connect everything and provide unlimited flexibility for instructional purposes. The existing chalkboards will also be replaced with erasable "whiteboards."

In addition, the students have a number of projects planned for the 2004-2005 academic year. This includes the "Open House" hosted by the second year AAS degree students (which will be held in the spring rather than in December), a spring break trip to London to study British funeral practices, and a tour of the manufacturing plant for the Batesville Casket Company. Several guest speakers and field trips have also been scheduled for the fall and spring semesters. Needless to say, all of these activities provide the students with a variety of experiences that will enhance their classroom instruction and prepare them to become licensed members of the funeral service profession.

For additional information about the AAS degree program, please contact Steve Koosmann, the Program Director, at 314-644-9327 or skoosmann@stlcc.edu. Steve Smith, the Director for the Funeral Directing program, may be contacted at 314-644-9266 or swsmith@stlcc.edu.

Submitted to the Missouri State Board of Embalmers and Funeral Directors

By Steve Smith (10-15-2004)

FY2004 YEAR END REPORT

Active Licensees

As of June 30, 2004, the board had the following active licensees:

1156 Embalmers
2473 Funeral Directors
708 Funeral Establishments
643 Preneed Providers
357 Preneed Sellers
49 Retired Funeral Directors
20 Retired Embalmers
(16 of which held dual licenses)
32 Deceased Funeral Directors
13 Deceased Embalmers
(13 of which held dual licenses)

The board received 254 applications for licensure and issued 213 new licenses during FY2004.

Examination Administration

As of June 30, 2004 the board administered the following exams:

139 Missouri Law Examinations
60 State Board Arts Exams
1 State Board Science Exam
22 Embalmer Oral Examinations

FY2004 Inspections

From July 1, 2003 to June 30, 2004 the board inspectors completed approximately 824 inspections with 125 violations written. The top three violations consisted of posting of licenses, purchase agreements and embalming.

FY2004 Complaints

As of July 1, 2004

59 Consumer Complaints Received
4 Board Has No Jurisdiction
9 Alleged Misconduct, Misrepresentation or Dishonesty
12 Alleged Unprofessional Conduct
34 Alleged Violation of Chapter 436 RSMo

Violation/Complaint Handling

As of July 1, 2004 there were a total of 125 funeral establishments that had violations in FY2004. The most common violations involved licensure display, problems with contracts and problems with embalming logs.

4 Cases referred to the Division for investigation as required in Chapter 436 RSMo
14 Cases investigated and referred to Attorney General for action
5 Attorney General issued letter of concern
49 Cases investigated and board issued letters of concern
30 Cases investigated where board took no further action or had no jurisdiction
30 Cases still pending

Discipline

As of July 1, 2004

1 License Revocation
27 Licenses Placed on Probation
10 Licenses Suspended
22 Public Letter of Censure

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The State Board of Embalmers and Funeral Directors initiated 115 investigations based on inspections, complaints and failure to renew licenses. Based on these investigations, 10 cases were referred to the Office of the Attorney General for the filing of a complaint with the Administrative Hearing Commission.

Seller Reporting

During the 2002-2003 reporting period, which ended October 31, 2003, registered preneed sellers in Missouri reported a total of 22,683 contracts sold with a total face value of \$90,626,820.77.

House Bill 600

Effective July 1, 2003, all persons and business entities

renewing a license with the Division of Professional Registration were required to have paid all state income taxes, and also were required to have filed all necessary state income tax returns for the preceding three years. If you had failed to pay your taxes or had failed to file your tax returns your license was subject to immediate revocation within 90 days of being notified by the Missouri Department of Revenue of any delinquency or failure to file. This requirement was enacted in House Bill 600 of the 92nd General Assembly (2003), and was signed into law by the Governor on July 1, 2003.

House Bill 978

Effective August 28, 2004, the license will be subject to immediate suspension instead of revocation when the licensee has a tax delinquency. This requirement is found in Section 324.010, RSMo 2000, as amended.

FREQUENTLY ASKED QUESTIONS

Q. Does Missouri offer an inactive license status?

A. Missouri does not offer an inactive license status, we offer a retired status if you are over the age of 65. Section 333.081 and 4 CSR 120-2.022

Q. Is it necessary for my establishment to keep a log if it is not licensed for embalming?

A. 333.061(4) states; "Each funeral establishment shall have available in the preparation or embalming room a register book or log which shall be available at all times in full view for the board's inspector and the name of each body embalmed, place, if other than at the establishment, the date and time that the embalming took place, the name and signature of the embalmer and the embalmer's license number shall be noted in the book."

Q. If ownership of an establishment changes, is it necessary to file new paperwork with the board?

A. 4 CSR 120-2.070 (9) states if the ownership, location or name changes a new license must be obtained.

Q. Does a contract embalmer need to have his/her license displayed?

A. Section 333.091 and 4 CSR 120-2.010 (26) states; "All certificates, registrations, and licenses, or duplicate

copies thereof, issued by the State Board of Embalmers and Funeral Directors shall be displayed at all times in a conspicuous location accessible to the public in each office or place of business where they work, for inspection by any duly authorized agent of the board."

Q. Are there study guides available for the Missouri Law and/or Funeral Service Arts exams?

A. Section 333.042 and 4 CSR 120-2.010 (15) clarify what information the applicant will be tested on. The board recommends that the applicant study the Missouri Law book. An applicant may also contact The International Conference of Funeral Service Examining Board's for a study guide at 1885 Shelby Lane, Fayetteville, Arkansas 72704 or they can be reached at (479) 442-7076 or E-mail cfseb@cfseb.org.

Q. Must I do a new contract at the time of need if the individual had a preneed contract?

A. Yes. 4 CSR 120-2.080 (2 & 3)

Q. Where can I find a list for job openings?

A. The board office refers individuals asking about job openings to check with the Mortuary schools and with the Missouri Funeral Directors Association.

THINGS TO KNOW

- When applying for a new funeral establishment license, preneed provider or preneed seller registration, you may not place an add in the yellow pages, answer your phones or any other form of advertisement until the license has been issued.
- **Duplicate License-** Licensees can be issued a duplicate renewal license by submitting written notification by mail, facsimile (573) 751-1155, or email (embalm@pr.mo.gov).
- **Licenses to be displayed-** 333.091 states; "Each establishment, funeral director or embalmer receiving a license under this chapter shall have the license recorded in the office of the local registrar of vital statistics of the registration district in which the licensee practices. The licenses or duplicates shall be displayed in the office(s) or place(s) of business."
The board requires that all licenses issued by the board, "be displayed at all times in a conspicuous location accessible to the public in the office or place of business where they work, for inspection by any duly authorized agent of the Board." 4 CSR 120-2.010 (26).

VISIT OUR WEB PAGE

Go to <http://pr.mo.gov/embalmers.asp> to view the State Board of Embalmers and Funeral Directors's web page. You will find information relating to the following:

- About the Board
- Application Forms
- Board Membership
- Change of Address Form
- Complaint Form
- Examination Dates
- Fees
- Meeting Information
- Newsletters
- Renewal Dates
- Rules & Statutes
- Staff
- Statistics

CALENDAR OF EVENTS

December 6 - 7, 2004 Board Meeting, Kansas City
December 15, 2004 Examinations
January 20, 2005 Examinations (tentative)
February 16, 2005 Examinations (tentative)

Examination dates may change, please confirm with board office.

Please send your comments/suggestions regarding the newsletter to the State Board of Embalmers and Funeral Directors, P. O. Box 423, Jefferson City, MO 65102 or you can e-mail to embalm@pr.mo.gov. Your comments/suggestions are welcomed and encouraged.

Missouri State Board of
Embalmers and Funeral Directors
PO Box 423
Jefferson City MO 65102
Telephone: 573/751-0813

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YOUR NEW ADDRESS.**

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License Number:

Old Address:

New Address:

(P.O. Box must be accompanied
by your physical address)

Signature:

Date:

Mail or Fax to :

Missouri State Board of Embalmers and Funeral Directors
P.O. Box 423
Jefferson City, MO 65102
Fax: (573) 751-1155